



A BILL FOR AN ORDINANCE

RELATING TO EROSION, SEDIMENT, AND POLLUTION CONTROL.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The City and County of Honolulu's National Pollutant Discharge Elimination System Permit, No. NPDES Permit No. HI S000002 (Permit) requires the City to effectively prohibit non-storm water discharges through its Municipal Separate Storm Sewer System (MS4) to State Waters. In addition, the City's Permit also requires the City to maintain a Construction Site Management Program to reduce the discharge of pollutants from construction sites to the MS4 and State Waters to the maximum extent practicable.

The purpose of this bill is to establish a regulatory framework for attaining compliance with the above-stated requirements and to create a source of funding that is needed to offset the City's cost in implementing new requirements for erosion control and water quality protection.

SECTION 2. Section 14-13.1 of the Revised Ordinances of Honolulu 1990 as amended, is hereby amended to read as follows:

"Sec. 14-13.1 Purposes.

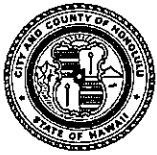
The purposes of Articles 13 through 16 of this chapter are to provide standards to protect property and to promote the public health, safety and welfare by regulating and controlling grading, grubbing, stockpiling, soil erosion ~~[and]~~ sedimentation and land disturbing development within the city. The public health, safety and welfare require that environmental considerations contribute to the determination of these standards insofar as they relate to protecting against erosion and ~~[sediment production]~~ pollution."

SECTION 3. Section 14-13.2 of the Revised Ordinances of Honolulu 1990 as amended, is hereby amended to read as follows:

"Sec. 14-13.2 Scope.

Articles 13 through 16 of this chapter set forth the rules and regulations for the control of land disturbing development activities, grading, grubbing, stockpiling, soil erosion and sedimentation; establish the administrative procedure and minimum requirements for issuance of permits and provides for the enforcement of such rules and regulations."

Storm water fees bill DPP.B17



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SECTION 4. Chapter 14, Article 13 of the Revised Ordinances of Honolulu 1990 as amended, is hereby amended by adding a new section. Section 14-13.6 is added to read as follows:

"Section 14-13.6 Erosion and Sediment Control Plans.

- (a) Notwithstanding any other law to the contrary, it is unlawful for any person perform, participate in, or allow any development or land disturbing activity that requires a building permit, grading permit, stockpiling permit, or trenching permit without an erosion and sediment control plan that is approved the Director of the Department of Planning and Permitting.
- (b) All development and land disturbing activities that require a building permit, grading permit, stockpiling permit, or trenching permit must be performed in compliance with erosion and sediment control plan approved the Director of the Department of Planning and Permitting. All project sites subject to an erosion and sediment control plan must be maintained in compliance with the erosion and sediment control plan approved by the Director of Planning and Permitting.
- (c) Erosion and sediment control plans approved by the Director of Planning and Permitting must effectively prohibit the discharge of pollutants from construction sites and land disturbing activities to the MS4 and State Waters to the maximum extent practicable. The Director may condition the approval of an erosion and sediment control plan on the implementation and maintenance of any best management practices that are intended or designed to address erosion control, run-on control, run-off control, sediment control, pollution control, post-construction pollutant control, low impact development standard or objectives, and water quality.
- (d) Prior to accepting an erosion and sediment control plan for review, the Director of Planning and Permitting must collect erosion and sediment plan review fee of \$250.00. If the director requires revisions or alterations to a proposed erosion and sediment control plan, a separate plan review fee of \$100.00 must be collected prior to review of the revised or amended erosion and sediment control plan. If development or land disturbing activities are commenced prior to obtaining an approved erosion and sediment control plan, the Director must collect a double plan review fee for each erosion and sediment control plan reviewed by the department. All fees for erosion and sediment control plan review are to be deposited into the general fund.
- (e) The Director of Planning and Permitting may adopt and enforce administrative rules to implement the requirements of this section.



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- (f) Compliance with this section will not relieve a person of responsibility for complying with any other law, including but not limited to ordinances and statutes that prohibit the discharge of pollutants to the municipal separate storm sewer system.

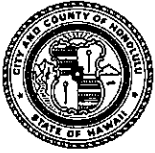
SECTION 5. Section 14-4.4 of the Revised Ordinances of Honolulu 1990 as amended, is amended to read as follows:

“Sec. 14-14.4 Permit fees.

- (a) Prior to issuance of a grading permit, a permit fee for grading on the same site based on the volume of excavation or fill measured in place, whichever is greater, shall be collected according to the following schedule:

Volume of Material	Permit fee
1,000 cubic yards or less	\$505.00 plus \$55.00 for each 100 cubic yards or fraction thereof
More than 1,000 to less than 10,000 cubic yard	\$1000.00 [\$555.00] for the first 1,000 cubic yards plus \$55.00 for each additional 1,000 cubic yards or fraction thereof
10,000 cubic yards or more	\$1,480.00 [\$1,030.00] for the first 10,000 cubic yards plus \$35.00 per 1,000 cubic yards or fraction thereof

- (b) Prior to issuance of a grubbing permit, a permit fee of \$110.00 for grubbing areas up to 15,000 square feet plus \$15.00 for each additional 1,000 square feet or fraction thereof shall be collected.
- (c) Prior to issuance of a stockpiling permit, a permit fee of \$55.00 for stockpiling in excess of the first 100 cubic yards plus \$15.00 for each additional 1,000 cubic yards or fraction thereof shall be collected.
- (d) When grading, grubbing or stockpiling is performed by or on behalf of the city, state or federal government, the chief engineer shall waive the collection of any permit fee required in subsections (a), (b) and (c) of this section.
- (e) When a business is certified as a qualified business pursuant to Section 35-1.3, the chief engineer shall waive the collection of any permit fee required in subsections (a), (b) and (c) of this section for the qualified business for a period of three years.



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- (f) All permit fees shall be deposited into the highway fund."

SECTION 6. Section 14-17.1 of the Revised Ordinances of Honolulu 1990 as amended, is amended to read as follows:

"Sec. 14-17.1 Permit required--Application--Insurance--Bond--Permit fee.

- (a) No person, including city officials and employees, shall, in any manner or for any purpose, break up, dig up, disturb, undermine or dig under, any public highway, street, thoroughfare, alley or sidewalk or any other public place, or cause the same to be done without having first obtained a permit therefor from the chief engineer; provided, that work to accomplish emergency repairs to utilities may be started without a permit. When such emergency work is performed, the chief engineer or the chief engineer's authorized representative shall be notified of the location and type of the emergency not later than the first work day following the emergency. A written permit covering the emergency work shall be obtained from the chief engineer not later than 10 working days following the emergency. The city road division shall not be required to obtain a permit for routine street maintenance, repair or resurfacing provided that such work does not require excavating below the sub base course. City departments shall not be required to obtain a permit for excavating single holes at any one location in sidewalk area for installation of pipe supported signs, markers, meters or planting of trees.
- (b) Any person desiring the permit required under this section shall make application therefor to the chief engineer on a form prescribed by the chief engineer. As a condition precedent to the issuance of any such permit, the chief engineer shall require:
- (1) The securing of insurance naming the city as an additional assured, to protect it against any and all claims or action for injury and death to person or property damages due to any act or omission of the holder of the permit arising out of any work done under said permit, said insurance to be in the amount of \$100,000.00 for property damages per occurrence and in an amount not less than \$500,000.00 for bodily injury or death. A public utility company performing work for installation of service connections, for the location of troubles in pipes or conduits, or for making repairs thereto may furnish a certificate of insurance listing the limits of liability which shall equal or exceed the amounts specified above for each and every service connection, trouble location or repair work accomplished by the company's own forces during the term of the policy and certifying that the insurance company will not cancel or materially alter the coverage without giving the city 15 days advance notice; and



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- (2) When the work of restoration is not performed by the city, a bond shall be required in favor of the city, extending for a period not to exceed one year after approval of any restored pavement, sidewalk or other public improvement, to ensure the proper restoration thereof. The amount of the bond shall be not less than \$1,000.00 or the estimated cost of the excavation and restoration work whichever is higher. Utility companies shall be responsible for work and repairs in existing public streets performed by its employees, contractors or subcontractors. In lieu of furnishing a separate bond for each permit a utility company may furnish written guarantee to the city that the company will be responsible for the restoration work for a period not to exceed one year after satisfactory completion of the restoration work
- (c) Before issuing a permit, the chief engineer shall:
- (1) Require the presentation of a plan, drawn to scale, showing the location of each proposed excavation and the dimensions thereof including the surface area of said opening in paving, sidewalk and other structures, the nature, size, length and purpose of the structure to be installed therein, and such other details and information as the chief engineer may require to be shown upon such plan. In lieu of the plan, a single line sketch, drawn to scale, may be submitted to show the location of each excavation for a service connection, for location of trouble or for repair to utilities;
 - (2) Obtain clearance from city departments having underground installations and from the various utility companies prior to issuance of the permit;
 - (3) Collect a permit fee based on the schedule below. The permit fee shall not be refundable even if the applicant, after issuance of the permit, decides not to proceed with the construction.



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(A)

Work	Permit Fee
Service connection	<u>\$50.00</u> [20.00]
Repairs to utilities	<u>\$50.00</u> [20.00]
Trench for installation of pipelines, underground cables, etc. for the first 20 lineal feet, plus \$10.00 for each additional 10 linear feet or any fraction thereof.....	<u>\$195.00</u> [55.00]

(B) When the work is performed by or on behalf of the city ~~[except the board of water supply, the state or the federal government, the chief engineer shall waive the collection of any permit fee.]~~ the permit fee will be waived.

- (d) Each permit shall be deemed to include the provision that all surplus excavated material, if desired by the chief engineer, shall be carted or hauled to and deposited upon such place as may be directed by the chief engineer at the expense of the permittee. The maximum distance such material is to be hauled shall not exceed the distance between the job site and the nearest city and county corporation yard.
- (e) Every trenching permit shall expire and become null and void one year after the date of issuance of the permit. Upon expiration of a permit, no work shall be commenced unless a new permit is first obtained. Permit fee for a new permit shall be the fee as specified above.
- (f) The permittee shall also obtain a permit from the city department of transportation services before any work on any portion of public street may begin.
- (g) Failure to obtain any permit or the violation of any provision of this section shall be deemed a misdemeanor.

SECTION 7. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 30 (2017)

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SECTION 8. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ron Menor (br)

DATE OF INTRODUCTION:

MAR - 2 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu